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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Elimination of racism, racial discrimination, xenophobia and related intolerance

Promotion and protection of human rights

The rule of law at the national and international levels

Security Council
Sixty-eighth year

Letter dated 4 February 2013 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

On instructions received from the Government of the Republic of Azerbaijan, I have the honour to address the issue of utmost importance for my country. As is well known, as a result of the military occupation by the Republic of Armenia of the Daghlyq Garabagh (Nagorno-Karabakh) region and seven other administrative districts of the Republic of Azerbaijan, 750,000 citizens of Azerbaijan were expelled from their homes in those territories. Today, there is no single Azerbaijani left in the occupied territories, likewise in Armenia, from where 250,000 Azerbaijanis were forced to leave at the end of the 1980s. In other words, both the territory of Armenia and the occupied territories of Azerbaijan were ethnically cleansed of their Azerbaijani population.

The fact that all Azerbaijanis were expelled from the occupied territories of Azerbaijan is well attested. In its relevant resolutions adopted in 1993 in response to the illegal use of force against Azerbaijan and occupation of its territories, the Security Council expressed grave concern at "the displacement of a large number of civilians". In its resolution 48/114 of 20 December 1993, the General Assembly noted with alarm "that the number of refugees and displaced persons in Azerbaijan has recently exceeded one million". The Representative of the Secretary-General on the human rights of internally displaced persons stated in his report dated 15 April 2008 (A/HRC/8/6/Add.2), that Azerbaijan has "one of the highest proportions of displaced persons in the world".

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It should be noted that one of the indispensable conditions governing the ongoing political process towards the negotiated and international-law-based settlement of the conflict between Armenia and Azerbaijan provides for the complete withdrawal of Armenian military forces from the occupied territories of Azerbaijan and the realization by all internally displaced persons and refugees of their right to return.

However, the policy and practice of Armenia clearly testify to its intention to prevent the return of Azerbaijanis to their homes by altering the demographic structure of the occupied territories of Azerbaijan. Thus, over the period that has passed since the beginning of the conflict, significant numbers of Armenian settlers have moved into these territories.

Armenia's breach of international humanitarian law and international human rights law in that regard has been clearly established. In 2005 and 2010, on the initiative of Azerbaijan, the Organization for Security and Cooperation in Europe (OSCE) conducted fact-finding and field assessment missions in the occupied territories of Azerbaijan. The latter mission, led by the co-chairs of the OSCE Minsk Group was joined also by officials from the Office of the United Nations High Commissioner for Refugees (UNHCR). The missions concluded that about 14,000 Armenian settlers had replaced 750,000 Azerbaijanis forced to leave. The co-chairs of the OSCE Minsk Group discouraged any further settlement of the occupied territories of Azerbaijan and urged the parties to refrain from any activities in those territories that would change the demographic, social or cultural character of the areas affected by the conflict (such as continued illegal settlement, infrastructure developments, economic exploitation, cultural changes, etc.) and would make it impossible to achieve a peaceful settlement.

Nevertheless, despite efforts made by the international community generally to condemn and discourage settlement of the occupied territories of Azerbaijan and to call for the prohibition of changing the demographic structure of the region, such settlement has continued. The latest reports about the transfer of Syrian Armenians into the Daghlyq Garabagh region and other occupied territories of Azerbaijan provide yet more ample evidence of Armenia's deliberate policy of colonization of Azerbaijani lands.

In his speech in the Ministry of Defence of Armenia on 15 January 2013, President Serzh Sargsyan of Armenia confirmed that "the Government of the Republic of Armenia continues to focus its attention on the problems of the Syrian Armenians" and that "almost 6,000 Armenians from Syria have found refuge in Armenia". He recognized that the Government of Armenia takes steps to address the needs of Armenian refugees from Syria (available from the website of the President of Armenia: www.president.am/en/press-release/item/2013/01/15/President-Serzh-Sargsyan-participated-at-the-meeting-Ministry-of-Defense/).

Against this background, according to mass media reports, among those Syrian Armenians arrived in Armenia, thirty families have moved further to the occupied territories of Azerbaijan and settled mostly in the Lachin district, an occupied area between the Daghlyq Garabagh region of Azerbaijan and Armenia itself. In order to encourage the Syrian Armenians to settle in the occupied territories, various incentives are provided for them, such as free housing, social infrastructure, inexpensive or free utilities, tax exemptions, plots of land, advantageous loans, money and livestock.

In other words, while the international community is focused on searching for ways out of the Syrian crisis, the suffering facing the people of that country are being utilized to further complicate the situation and peace efforts in another region. No doubt attempts to address the needs of refugees from Syria at the expense of hundreds of thousands of Azerbaijani displaced persons, living with the hope of returning to their homes, are illegal and cannot be tolerated nor accepted under any circumstances.

To the extent that Armenia has violated the relevant applicable law with regard to the occupation of Azerbaijani territory, it is responsible under international law. It is important to note in this regard that, as the occupying Power, Armenia is responsible not only for the actions of its own armed forces and other organs and agents of its Government, but also for the actions of the subordinate separatist regime illegally created by it in the occupied territories of Azerbaijan.

Taking into consideration the foregoing, I have been instructed to express my Government's strong protest against, and categorical rejection of, the Republic of Armenia's policy of colonization and annexation of the occupied territories of Azerbaijan. Such an irresponsible and provocative policy has no chance to succeed. These territories are internationally recognized as being part of Azerbaijan, and Armenia will be obliged to completely withdraw its armed forces from there and wipe out all the consequences of its illegal acts, including settlements.

It is clear that settlement and other illegal activities in the occupied territories of Azerbaijan pose an imminent threat to peace, security and stability in the region and undermine the rights and freedoms of hundreds of thousands of people uprooted from their homes. In this regard, I have the honour to convey my Government's request to all Member States, the Secretariat of the United Nations and relevant agencies to give careful consideration to ongoing settlement activities in the occupied territories of Azerbaijan and to take all necessary measures to prevent any further settlement of those territories and ensure that those who have already moved there are immediately and unconditionally resettled.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 34, 39, 67, 69 and 83, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative